

# Exhibit H

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

RONALD SELF, ET AL., )  
Plaintiffs, )  
 )  
V. ) CIVIL ACTION  
 ) NO. 11-00070  
MERITAGE HOMES CORPORATION, )  
ET AL., )  
Defendants. )

\*\*\*\*\*

ORAL/VIDEOTAPED DEPOSITION OF

RONALD SELF

MAY 1, 2013

\*\*\*\*\*

ORAL/VIDEOTAPED DEPOSITION OF RONALD SELF,  
produced as a witness at the instance of DEFENDANTS,  
and duly sworn, was taken in the above-styled and  
numbered cause on WEDNESDAY, MAY 1, 2013, from 12:12  
p.m. to 3:01 p.m., before Pam Gwin Coder, CSR in and  
for the State of Texas, recorded by machine shorthand,  
at the offices of PADILLA & RODRIGUEZ, LLP,  
1776 Yorktown, Suite 535, Houston, Texas, pursuant to  
the Federal Rules of Civil Procedure and the provisions  
stated on the record or attached hereto; signature  
having been waived.

JOB NO. 1-142827

A P P E A R A N C E S

FOR PLAINTIFF:

MR. JOHN M. PADILLA

-and-

MR. J. MOISES CEDILLOS

PADILLA & RODRIGUEZ, LLP

1776 Yorktown, Suite 535

Houston, Texas 77056-6106

832.740.4300

jpadilla@pandrlawfirm.com

mcedillos@pandrlaw.com

FOR DEFENDANTS:

MR. SCOTT R. MCLAUGHLIN

-and-

MS. AMANDA Z. PATRICK

JACKSON WALKER

1401 McKinney, Suite 1900

Houston, Texas 77010

713.752.4200

smclaughlin@jw.com

apatrick@jw.com

VIDEOGRAPHER:

MR. COREY LABORDE

US LEGAL SUPPORT

ALSO PRESENT:

MS. PATRICIA SERNA, Court Reporting Intern

## 1                    E X A M I N A T I O N   I N D E X

2

WITNESS:   RONALD SELF

3

## EXAMINATION

## PAGE

4

BY MR. MCCLAUGHLIN

4

5

BY MR. PADILLA

106

6

## FURTHER EXAMINATION

7

BY MR. MCCLAUGHLIN

112

8

SIGNATURE WAIVED

117

REPORTER'S CERTIFICATION

118

9

## 10                    E X H I B I T   I N D E X

11 SELF EXHIBIT NO. 1 66

E-mail dated 7/21/09 to

12

Ron Self from David

Donaldson

13

SELF EXHIBIT NO. 2

73

E-mail string 10/13/09

14

SELF EXHIBIT NO. 3

74

E-mail string 3/26 and 3/27

15

'10

SELF EXHIBIT NO. 4

78

16

March 2010 e-mail string

SELF EXHIBIT NO. 5

93

17

August 2010 e-mail string

SELF EXHIBIT NO. 6

97

18

Meritage Homes employment  
application

19

SELF EXHIBIT NO. 7

97

E-mail string 8/4/09

20

SELF EXHIBIT NO. 8

100

E-mail string 12/09

21

SELF EXHIBIT NO. 9

105

Ronald Self resume

22

23

24

25

1       A       But it got to the point where I was working --  
2       I was at work at 6:30 and leaving at 7:00 and coming in  
3       on Saturdays just to make sure that, you know,  
4       warranties could get signed off and trying to  
5       coordinate everything with the homes.

6       Q       All right. So would you say that that was your  
7       regular schedule from the time you began your  
8       employment at Meritage through the time you ended your  
9       employment at Meritage 6:30 to 7:00 and coming in on  
10      Saturdays?

11      A       Yes.

12      Q       Okay. So -- so from day one?

13      A       Yes. It was from day one.

14      Q       So the schedule didn't change when you went  
15      from being over one community to being over two  
16      communities?

17      A       No because they had me doing warranty in the  
18      other community, helping out the other guy that was  
19      over there.

20      Q       Who was that guy?

21      A       There was Mike Cridland. He was over there.

22      Q       All right. So is that the guy you were  
23      referring to when you say you were helping out the  
24      other guy with warranties?

25      A       Yes. With warranty.

1 Q All right.

2 A And when they finally let him go, the workload  
3 became my load.

4 Q All right. So then your testimony, I take it,  
5 is that you worked 12 1/2 hours, five days a week; and  
6 then on Saturday you worked some, too?

7 A I would come in Saturday mornings and usually  
8 at least for a few hours.

9 Q Okay. So Monday through Friday, is it your  
10 testimony that you worked 12 1/2 hours each day?

11 A Oh, yeah.

12 Q Okay. Do you have anything in your possession  
13 that would back that up?

14 A Just people that know me.

15 Q Yeah, and besides your testimony --

16 A Yeah.

17 Q -- your testimony. I'm not disregarding that.  
18 I'm just asking if you have any calendars, diaries,  
19 e-mails, anything that would kind of show that pattern?

20 A No.

21 Q Okay. And when you say people that know me,  
22 who are you referring to?

23 A Just my wife and being away from my family.

24 Q All right. Do you have any kids?

25 A Oh, yes.

1       Q       Okay. The -- what I want to ask you about is  
2 it begins on the third line so read that where she  
3 says: I told him that could be corrected. Period. He  
4 wanted to know what your job was. Period. And then  
5 this is the part I want to ask you about.

6               Ms. Armstrong says: I told him to hire  
7 experienced trades and schedule them to perform the  
8 work and check the results.

9               Now, is her characterization of your job  
10 accurate?

11       A       That's not accurate.

12       Q       So Ms. Armstrong is not telling the truth about  
13 what your job is?

14               MR. PADILLA: Objection.

15       A       No, she doesn't know.

16               MR. PADILLA: Mischaracterizes the  
17 evidence --

18               THE REPORTER: I'm sorry. What did you  
19 say?

20               MR. PADILLA: Mischaracterizes the  
21 evidence and argumentative.

22       A       She doesn't know how all the vendor system and  
23 all that worked.

24       Q       (By Mr. McLaughlin) Okay. Did you coach any  
25 of your kids' sports teams while you were working at

1 Meritage?

2 A Yes.

3 Q How did you do that if you were not able to  
4 leave work until 7:00 Monday through Friday?

5 A We had a couple of coaches. I mean, I would  
6 just get there as soon as I could.

7 Q What time did practice start?

8 A It wasn't every day.

9 Q What time did it start?

10 A Usually 6:00.

11 Q Was it -- were you coaching more than one  
12 sports team or just one?

13 A Just one.

14 Q Which -- what age? Which child?

15 A My middle.

16 Q Okay. How old? Was that a he?

17 A He.

18 Q How old was he at the time?

19 A 10.

20 Q What sport?

21 A 9 --

22 Q What sport?

23 A No, he was younger than that. Baseball.

24 Q Baseball? How many practices a week did you  
25 have on Monday through Friday?

1       A       Just one.

2       Q       All right. Were you the head coach?

3       A       No.

4       Q       An assistant?

5       A       Yes.

6       Q       Who was the head coach?

7       A       It was -- I don't remember. I mean, it was

8 years ago.

9       Q       What was the name of the team?

10      A       It was Little League.

11      Q       Do you know the name of your son's Little

12 League team back then?

13      A       What year was that? It was probably the

14 Yankees. I can't remember exactly.

15      Q       And it's your testimony that that baseball team

16 only practiced once a week?

17      A       And then we'd practice on the weekend.

18      Q       Yeah. During the week. I had asked you about

19 Monday through Friday.

20      A       Yeah.

21      Q       And then when was the game?

22      A       Usually weekend, evening, during the week.

23      Q       Do you still have any schedules from that?

24      A       No.

25      Q       What league sponsored that team?

1       A       I don't remember.

2       Q       You don't remember the name of the league that  
3 the Little League team was in?

4       A       The league?

5       Q       Yeah. You know, usually there's a regional --

6       A       Pearland.

7       Q       Pearland. All right. So it was a Pearland  
8 Little League team?

9       A       Yes.

10      Q       Okay. All right.

11                   (Marked Self Exhibit No. 4.)

12      Q       (By Mr. McLaughlin) You can take a minute if  
13 you'd like to read that over. I think I'm only going  
14 to ask you about the first page.

15                   Actually this is -- you can read it all  
16 if you want. This looks like one of those angry  
17 customers you were talking about. Let me know when  
18 you've read that, Mr. Self.

19                   MR. PADILLA: You want him to read a part  
20 of it or the whole thing.

21                   MR. MCLAUGHLIN: Well, I think -- I may  
22 ask him some questions about the back part, too.

23      Q       (By Mr. McLaughlin) I wasn't thinking that but  
24 I will so I think you ought to look at all of it. By  
25 the way, while I'm asking you questions, if you need to

1 let us know if it's -- if it's correct essentially and  
2 it -- and for the record purposes, I'll identify it.  
3 It's the employment application you filled out with  
4 Meritage.

5 (Marked Self Exhibit No. 6.)

6 Q (By Mr. McLaughlin) If you'll take a look and  
7 make sure it's accurate, please.

8 A This here.

9 Q All right. You don't see anything on there  
10 that's incorrect?

11 A No.

12 Q Okay. That's all I'm going to ask you. I'm  
13 passing over number 7.

14 (Marked Self Exhibit No. 7.)

15 Q (By Mr. McLaughlin) And it's your e-mail at  
16 the top there that I'm going to ask you about,  
17 Mr. Self.

18 A I was just trying to calm down a homeowner.

19 Q Which part -- which part were you trying to  
20 calm down a homeowner?

21 A Talking about the -- the drinking.

22 Q How would it -- how would it calm down a  
23 homeowner to tell the homeowner you're not there after  
24 5:00?

25 A Well, I mean I'm not at that house every second

1 of the day. I'm within two communities so, you know, I  
2 just try to make a note to them that it's not my  
3 intention of staying at their house all day. Some of  
4 the homeowners, they felt like we should be on their  
5 house only all day. And it wasn't the case for me.

6 Q When you say: We are not there after 5:00,  
7 your intent when you said that was to tell the  
8 homeowner you were not at her house after 5:00?

9 A Yeah, I mean.

10 Q Wouldn't it have been clearer to just say: I  
11 am not at your house after 5:00?

12 A It can be worded whichever way. That's an  
13 opinion.

14 Q Okay. But when you say we are not there after  
15 5:00, you mean I am not at your house after 5:00,  
16 right?

17 A Yes.

18 Q Okay. Now, did you -- you said something here  
19 about finding trades. I didn't ask you about that  
20 earlier. Do you see the sentence I'm referring to?

21 A Yes.

22 Q Is that something you had to do very often?

23 A No.

24 Q But you had to --

25 A I mean, I just said it to that homeowner. I

---

**From:** Self, Ron  
**Sent:** Tuesday, August 04, 2009 4:20 PM  
**To:** Loi Nguyen  
**Subject:** RE: 2731 Villa Pisa Ln.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The house has not been finished in framing stage. If you go to the house you will see the paint on the floor those items. We are waiting on lumber to arrive to finish this. As far as the drinking we are not there after five so we can't watch them every second but its not allowed. If we ever catch a trade they are fined. Your house will be swept out. We will meet once everything is in place before we sheet rock to verify all items.

Thanks Ron

---

**From:** Loi Nguyen [<mailto:loi.tan@gmail.com>]  
**Sent:** Tue 8/4/2009 1:59 PM  
**To:** Self, Ron  
**Cc:** Lipnicki, David; [kristine.ferrone@gmail.com](mailto:kristine.ferrone@gmail.com)  
**Subject:** 2731 Villa Pisa Ln.

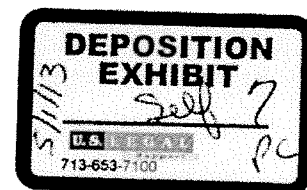
Hi Ron,

You asked us to email you the items we saw that weren't framed out correctly per our agreements at the pre-construction meeting with Mike and David. The Nicolas blue print/floor plan should have the following mods:

1. The living room should not be there. We took the Study Option with a closet. And from the looks of it, the living room was framed, no sign of a closet or wall with french doors.
2. The small window on the 2nd level above the front door should not be there. We have the C elevation but that window should be filled in with a brick design per the agreed to plan.
3. The wall between the Kitchen and the Dining room should not be there. There should be a through way, where the mini bar is, between the kitchen and the dining per the floor plan
4. The protruding archway between the kitchen and the breakfast area should not be there. We took out that extension and made the archway flush with the wall.

Also, we have concerns with insects. A plate of old food was found in the house near the stairs with a trail of ants about 20ft long leading up to it. We understand that construction sites will have trash and food left behind, but can you suggest the workers keep it outside to prevent insects? We also found beer bottles both inside and outside the house... We don't believe drinking on the job is advisable or safe and could cause a major liability for the company.

Thanks,  
Loi and Kristine



---

**From:** Self, Ron  
**Sent:** Wednesday, December 30, 2009 7:57 PM  
**To:** Langlois, John C.  
**Subject:** RE: 2736 Terranova

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

We have not even installed plumbing yet. I have all of your options and your house we be built just like every home we build. All of the roughs will be installed once we put the roof on Monday. The floor will be screwed down level once we get sheet rocked. I am off for the new year but we will meet once we are ready for sheetrock. As far as your accent brick I will get with David to find out but the options clearly state above the windows.

Thanks Ron

---

**From:** Langlois, John C. [mailto:jclanglois@gccisd.net]  
**Sent:** Wed 12/30/2009 6:31 PM  
**To:** Self, Ron  
**Subject:** RE: 2736 Terranova

Ron,  
That is not correct on the accent brick/stone. I'm fairly sure it should go around the top of the windows if not all the way around. Also, we paid to have the upstairs wet bar plumbed for a drain, hot and cold water valves, and an electrical outlet on the right hand side of the back wall. Tonight I didn't see any water lines or holes for plumbing on the wet bar. Also the particle board flooring appeared to be uneven or warped in some places, probably because of the rain. What is the tolerance for the 2nd floor leveling? And what is the cost for complete leveling as I would like to put in a wood floor. Will you be on the site tomorrow morning?

**Jay Langlois**  
Head Men's Soccer Coach  
Baytown Lee High School  
832-758-7976 cell  
281-420-4535 ext. 1004

---

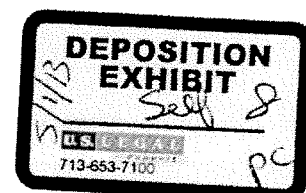
**From:** Self, Ron [mailto:Ron.Self@meritagehomes.com]  
**Sent:** Sun 12/20/2009 10:48 PM  
**To:** Langlois, John C.  
**Subject:** RE: 2736 Terranova

That is fine on the bar and we will get the electrical guys to add a outlet. I also found out what you paid for on the accent brick. There is only one cube that goes over the windows on your options.

thanks Ron

---

**From:** Langlois, John C. [mailto:jclanglois@gccisd.net]  
**Sent:** Sun 12/20/2009 10:00 AM  
**To:** Self, Ron  
**Subject:** RE: 2736 Terranova



Ron,

We would like to lower the entire kitchen counter to sink level but want to ensure that it is still the same width so we can pull chairs up to the front of it and also we would like to ensure that we recover one of the lost electrical outlets by having at least one placed on the side of the counter facing the little kitchen desk. We also would like to review the front stone/brick layout of the facade.

**Jay Langlois**

Head Men's Soccer Coach  
Baytown Lee High School  
832-758-7976 cell  
281-420-4535 ext. 1004

---

**From:** Self, Ron [mailto:Ron.Self@meritagehomes.com]  
**Sent:** Sun 12/13/2009 7:03 PM  
**To:** Langlois, John C.  
**Subject:** RE: 2736 Terranova

That is fine with communication. I promise Meritage will deliver you the house that you will be happy with. Your house will be built from your options and everything we went over in the pre start meeting. Our next scheduled meeting will be before we sheetrock. If you have any other questions write them down for the next meeting or just email me and I will respond to your concerns.

Thanks Ron

---

**From:** Langlois, John C. [mailto:jclanglois@gccisd.net]  
**Sent:** Sun 12/13/2009 3:21 PM  
**To:** Self, Ron  
**Subject:** RE: 2736 Terranova

We are very much hands-on people and like to be involved in every step. Some things that have happened with Meritage, already, didn't happen when we built our first house here. We want to be sure that we have constant communication and there are no more miscommunications. Also we want to make sure we're on the same page with the elevation and front facade. Finally, we have a question about the step in the media room, since we've only seen media rooms with double steps. We appreciate the fact that we can now communicate directly with you instead of David. Frankly, dealing with David has caused us a bit of frustration and concern. We know you are very busy; and we want you to know that we will not take up your time unless we feel that it is absolutely necessary.

**Jay Langlois**

Head Men's Soccer Coach  
Baytown Lee High School  
832-758-7976 cell  
281-420-4535 ext. 1004

---

**From:** Self, Ron [mailto:Ron.Self@meritagehomes.com]  
**Sent:** Fri 12/11/2009 3:17 PM  
**To:** Langlois, John C.  
**Subject:** RE: 2736 Terranova

I will not be here after 5 pm or tomorrow. What is the purpose of meeting?

Ron

**From:** Langlois, John C. [mailto:jclanglois@gccisd.net]  
**Sent:** Friday, December 11, 2009 12:52 PM  
**To:** Self, Ron  
**Subject:** 2736 Terranova

Ron,  
Could we meet this afternoon after 5:30 or tomorrow?

**Jay Langlois**

Head Men's Soccer Coach  
Baytown Lee High School  
832-758-7976 cell  
281-420-4535 ext. 1004

---

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this e-mail in error please notify the originator of the message. This footer also confirms that this e-mail message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Goose Creek Consolidated Independent School District.

Scanning of this message and addition of this footer is performed by Websense E-mail Filter software in conjunction with virus detection software.

---

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this e-mail in error please notify the originator of the message. This footer also confirms that this e-mail message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Goose Creek Consolidated Independent School District.

Scanning of this message and addition of this footer is performed by Websense E-mail Filter software in conjunction with virus detection software.

---

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this e-mail in error please notify the originator of the message. This footer also confirms that this e-mail message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Goose Creek Consolidated Independent School District.

Scanning of this message and addition of this footer is performed by Websense E-mail Filter software in conjunction with virus detection software.

---

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this e-mail in error please notify the originator of the message. This footer also confirms that this e-mail message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Goose Creek Consolidated Independent School District.

Scanning of this message and addition of this footer is performed by Websense E-mail Filter software in conjunction with virus detection software.

---

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this e-mail in error please notify the originator of the message. This footer also confirms that this e-mail message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Goose Creek Consolidated Independent School District.

Scanning of this message and addition of this footer is performed by Websense E-mail Filter software in conjunction with virus detection software.

---

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this e-mail in error please notify the originator of the message. This footer also confirms that this e-mail message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Goose Creek Consolidated Independent School District.

Scanning of this message and addition of this footer is performed by Websense E-mail Filter software in conjunction with virus detection software.

---

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this e-mail in error please notify the originator of the message. This footer also confirms that this e-mail message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Goose Creek Consolidated Independent School District.

Scanning of this message and addition of this footer is performed by Websense E-mail Filter software in conjunction with virus detection software.